REMARKS

Applicant has reviewed the Office Action of June 17, 2008. Claims 1-7, 9-22, and 24-28 stand rejected, and claims 8 and 23 are under objection. After entry of this Amendment, claims 1-28 are pending, claims 2 and 19 having been amended. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910. Applicant respectfully submits the following remarks.

CLAIM OBJECTIONS

In the Office Action the Examiner objected to the use of the word "optionally" in claims 2 and 19. Claims 2 and 19 have been amended to address the objection. Accordingly, Applicant respectfully requests the Examiner withdraw the objection.

REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 1-6, 9-21, 24, 25, and 28 under 35 U.S.C. §103(a) as being unpatentable over Smith (UK Patent No. 2,145,257). The Examiner also rejected claims 7 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Smith as applied to claims 6 and 21 and further in view of Welch et al. (U.S. Patent No. 4,121,204) and rejected claims 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Smith as applied to claims 18 and 19 and further in view of Yamagishi et al. (U.S. Patent No. 6,178,338). Applicant believes that, for at least the following reasons, independent claims 1, 2, 18, and 19 (and claims depending therefrom) are not obvious in view of Smith, and therefore respectfully requests reconsideration.

1.   **Smith does not teach or suggest defining a variable number of input sections equal to the variable number of items (claims 1, 18) or region subsets (claims 2, 19).**

Claims 1 and 18 require "defining within the [loop-shaped] range [of the data input means] a variable number of sections equal to the variable number of items." Claims 2 and 19 similarly require defining or dividing a variable number of sections, in the loop-shaped range of the data input means, equal to the variable number of region subsets. As Applicant has previously noted, Smith does not disclose these limitations and instead teaches directly away from defining the sections in the input data means range in this manner.

While the claimed invention includes defining the input sections based on the number of items or region subsets in the display, Smith teaches that "the computer 23 is so programmed that information is displayed on the screen in a configuration corresponding generally to the pattern of switches." Smith, p. 3, lines 5-6. Thus Smith teaches that the configuration of the mechanical input switches controls the display of information on the screen. In other words, Smith's display is defined based on the input switches. This is opposite from the claimed invention in which Applicant's input sections are defined based on the number of items or subset regions displayed. Applicant's claimed invention provides an improved and more efficient method for selecting items than in Smith because the display of items or subset regions is not limited by the physical configuration of the input means, but rather input sections are defined based on the displayed items or subset regions.

Accordingly, Applicant believes the claimed invention effectively handles scenarios that Smith cannot without additional steps or inefficiencies. As an example, if a device according to Smith has four selection switches, then how does the user select one of five items? According to Smith's system at least two of the items would be placed into a subset, and if the user wanted to

select one of these items they would first select the subset and then select one of the two items in this subset. In other words, the user would have to perform two actions to select one of these items. According to Applicant's claimed invention, the selection range would be divided into five regions based on the number of items and the user would only have to perform one action to select any of the five items. Thus, Applicant's claimed invention is more efficient to use.

Conversely, if Smith's system is changed to have five selection switches in order to deal with the inefficiency described above, then how does the user select one of four items? According to Smith's system either one switch would have no item associated with it, or one item would have two switches associated with it. In the former case, the corresponding display of items would have a gap corresponding to the unassigned switch which is inefficient; in the latter case the region corresponding to the item with two switches associated with it would be displayed twice as big as the regions corresponding to the other items, which is visually misleading. According to Applicant's claimed invention, the selection range would be divided into four regions based on the displayed items, and the display need not be made inefficient or misleading to maintain the correspondence between the display and the selection regions.

In addition, one of ordinary skill in the art would not consider modifying Smith to include the claimed invention because Smith leads the ordinary artisan in the opposite direction. One of ordinary skill in the art would not consider defining the mechanical switches 17, 18, 19, and 20 in Smith based on the quadrants 26, 27, 28, and 29, or the characters shown in Smith's Fig. 6, because Smith teaches that the quadrants (or other displayed information) are instead configured based on the layout of the mechanical switches.

Further, defining the input sections in Smith based on the quadrants or characters would render Smith inoperable in some cases. For example, in an embodiment with the four

mechanical switches 17-20, the switches simply cannot be defined into 64 separate input sections corresponding to the 64 characters in Fig. 6. Thus, Smith requires that the display first be divided into quadrants based on the physical limitations of the switches, after which each quadrant is further divided, again based on the physical limitations of the switches.

Accordingly, Applicant believes the claimed limitations are nonobvious in view of Smith and requests the Examiner withdraw the rejections. In light of these remarks, Applicant respectfully requests the Examiner consider whether the claim language is insufficiently clear in the Examiner's mind or whether it truly reflects Applicant's comments, as Applicant believes.

2.   Smith does not teach or suggest a loop-shaped input selection range.

In addition, Smith does not teach or render obvious the loop-shaped range as claimed by Applicant. As the Examiner acknowledges, Smith fails to expressly teach a loop-shaped range. Smith's teaching that "any other suitable pattern or configuration of the switches and elements of the display may be provided" merely indicates that switch configurations other than rectilinear arrangements may be used. But this overly general and inclusive statement does not disclose or teach specific examples as alternatives, and clearly does not teach or suggest a loop-shaped range on its own. Any suggestion or teaching of the loop-shaped range can only be a result of impermissible hindsight based on Applicant's disclosure.

Accordingly, at least for the reasons presented above, Applicant believes Smith does not anticipate or make obvious Applicant's invention as presented in independent claims 1, 2, 18, and 19 (and claims depending therefrom) above. Accordingly, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejections.

ALLOWABLE SUBJECT MATTER

Applicant gratefully acknowledges the Examiner's determination that claims 8 and 23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully suggests that claims 8 and 23 are also allowable as currently presented in dependent form, for at least the reasons presented above.

CONCLUSION

In view of the foregoing, it is submitted that the claims of the application are in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,
/Michael J. Feller/
Michael J. Feller
Registration No. 59,296

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077
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